

**ENTERED**

April 24, 2025

Nathan Ochsner, Clerk

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
VICTORIA DIVISION

WENDY RENEE VENGLAR,

§

Plaintiff,

§

V.

CIVIL ACTION NO. 6:24-CV-00041

LINDA JARMILLIO,

§

Defendant.

§

**ORDER ADOPTING MEMORANDUM & RECOMMENDATION**

Before the Court is Magistrate Judge Jason Libby's Memorandum and Recommendation ("M&R"). (D.E. 17). The M&R recommends that the Court grant Defendant's motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(1) and dismiss the case without prejudice. *Id.* at 2, 4. The M&R also recommends that the Court deny Plaintiff's motion to change venue. *Id.* at 2. The parties were provided proper notice of, and the opportunity to object to, the Magistrate Judge's M&R. *See* 28 U.S.C. § 636(b)(1); FED. R. CIV. P. 72(b); General Order No. 2002-13. No objection has been filed. When no objection has been filed, the district court need only determine whether the M&R is clearly erroneous or contrary to law. *United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir. 1989) (per curiam).

Having reviewed the proposed findings and conclusions of the Magistrate Judge, the parties' filings, the record, and the applicable law, and finding that the M&R is not clearly erroneous or contrary to law, the Court **ADOPTS** the M&R in its entirety. (D.E. 17). Accordingly, the Court **GRANTS** Defendant's motion to dismiss pursuant to Federal Rule of Civil Procedure 12(b)(1). (D.E. 10). The Court lacks subject matter jurisdiction over this matter and **DISMISSES** Plaintiff's case **without prejudice** to refiling in the appropriate court. (D.E. 1). Finally, the Court **DENIES as moot** Plaintiff's motion to change venue. (D.E. 15).

The Court will enter a final judgment separately.

SO ORDERED.

A handwritten signature in blue ink, appearing to read "DAVID S. MORALES".

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DAVID S. MORALES  
UNITED STATES DISTRICT JUDGE

Signed: Corpus Christi, Texas  
April 24, 2025